

Senate File 2237 - Introduced

SENATE FILE 2237

BY JOHNSON

A BILL FOR

1 An Act relating to the testing for intoxication of motorboat or
2 sailboat operators involved in accidents causing death or
3 injury reasonably likely to cause death.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **462A.14G Blood, breath, or urine**
2 **specimen withdrawal without a warrant.**

3 1. Notwithstanding sections 462A.14D and 808.3, if a person
4 is under arrest for an offense arising out of acts alleged to
5 have been committed while the person was operating a motorboat
6 or sailboat in violation of section 462A.14, and that arrest
7 results from an accident that causes a death or personal injury
8 reasonably likely to cause death, a chemical test of blood may
9 be administered without the consent of the person arrested
10 to determine the amount of alcohol or a controlled substance
11 in that person's blood if all of the following circumstances
12 exist:

13 a. The peace officer reasonably believes the blood drawn
14 will produce evidence of intoxication.

15 b. The method used to take the blood sample is reasonable
16 and performed in a reasonable manner by medical personnel under
17 section 462A.14A.

18 c. The peace officer reasonably believes the officer is
19 confronted with an emergency situation in which the delay
20 necessary to obtain a warrant under section 462A.14D or 808.3
21 threatens the destruction of the evidence.

22 2. If the person from whom a specimen of blood is to be
23 withdrawn objects to the withdrawal, a breath or urine sample
24 may be taken under the following circumstances:

25 a. If the person is capable of giving a specimen of breath,
26 and a direct breath testing instrument is readily available,
27 the withdrawal of a specimen of the person's breath may be
28 taken for chemical testing, unless the peace officer has
29 reasonable grounds to believe that the person was under the
30 influence of a controlled substance, a drug other than alcohol,
31 or a combination of alcohol and another drug.

32 b. If the peace officer has reasonable grounds to believe
33 that the person was under the influence of a controlled
34 substance, a drug other than alcohol, or a combination of
35 alcohol and another drug, a urine sample shall be collected in

1 lieu of a blood sample, if the person is capable of giving a
2 urine sample and the sample can be collected.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to the testing for intoxication of
7 motorboat or sailboat operators involved in accidents causing
8 death or injury reasonably likely to cause death.

9 In such a case the bill allows chemical testing of the
10 arrested motorboat or sailboat operator's blood, without a
11 warrant and without the consent of the operator, if a peace
12 officer reasonably believes the blood drawn will produce
13 evidence of intoxication, the method used to take the blood
14 sample is reasonable and performed by medical personnel, and
15 the peace officer reasonably believes that the delay necessary
16 to obtain a warrant threatens the destruction of the evidence.

17 The bill allows in some circumstances where the operator
18 objects to the withdrawal of a blood specimen, the withdrawal
19 of a specimen of the operator's breath or the collection of a
20 urine sample for testing.